IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

: O R D E R :

S.B. Criminal Revision Petition No.233/2007.
(Champa Lal Vs. State of Rajasthan & Others)

DATE OF ORDER : September 07, 2007

P R E S E N T

Hon'ble Mr. Justice Gopal Krishan Vyas

Mr. J.S. Bhaleria for the petitioner.
Mr. Vishnu Kachchhawaha, P.P.

BY THE COURT :

This revision petition has been filed against the judgment dated 07.02.2007 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Court, Balotra in Sessions Case No.18/2006 whereby non-petitioners No.2 to 4 have been acquitted of the charges for offences under Sections 447, 323, 323/34 and 354, I.P.C., read with Section 3(1)(X) (xi), SC/ST (Prevention of Atrocities) Act, 1989.

As per the facts of the case, a written report was made to the A.S.P.,

Barmer on 21.03.2006 by petitioner Champa Lal in which he stated that he is in possession of a plot in village Sewali where, on 12.03.2006, at 10 A.M. while he alongwith his mother was fencing the plot, the non-petitioners came there in a tractor and forcibly entered into the plot running over the tractor on his bicycle. The petitioner complained in the aforesaid report that the non-petitioners abused him and his mother in filthy tongue. Allegation was also levelled that the non-petitioners snatched his mother's odhani (sash) with a view to outraging her modesty.

Upon challan having been filed by the police, the trial Court framed charges against the non-petitioners. At the trial, the prosecution examined 9 witnesses and exhibited 3 documents. Thereafter, statements were recorded under Section 313, Cr.P.C. and the defence led its evidence. After conclusion of the trial, the learned Special Judge arrived at the finding that the charges levelled against the accused non-petitioners are not proved and accordingly acquitted the non-petitioners.

Learned counsel for the petitioner argued that the learned trial Court has committed error while not appreciating the evidence on record properly. It is contended that there is specific allegation against the non-petitioners in the evidence of the prosecution witnesses, therefore, the finding of the trial Court is totally contrary to the evidence on record.

I have carefully perused the judgment impugned and also gone through the evidence on record, more specifically statement of P.W.-6 Kanku Devi. In this case, there is neither any medical evidence nor the prosecution led any independent evidence to corroborate the allegations levelled by the complainant petitioner. It is revealed from the impugned judgment that there is major contradiction and the story narrated by the prosecution witnesses is altogether

different than the facts alleged in the FIR. Having considered the entire record, in my opinion, the trial Court has rightly arrived at the finding after appreciation of the evidence. Therefore, I see no reason to interfere with the judgment passed by the learned trial Court in exercise of the revisional jurisdiction.

Hence, the revision petition is dismissed.

(Gopal Krishan Vyas) J.